

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA)	
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V.)	No. 19-cr-10080-NMG
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)	
DAVID SIDOO, <i>et al</i> ,)	ORAL ARGUMENT REQUESTED
)	
Defendants.)	
_____)	

**DEFENDANTS' MOTION TO DISMISS (1) COUNT ONE INsofar AS IT ALLEGES
CONSPIRACY TO COMMIT HONEST SERVICES FRAUD AGAINST THE UNIVERSITY OF
SOUTHERN CALIFORNIA AND GEORGETOWN UNIVERSITY AND (2) COUNT TWO
ALLEGING CONSPIRACY TO COMMIT FEDERAL PROGRAMS BRIBERY**

Defendants Diane and Todd Blake, Gamal Abdelaziz, Mossimo Giannulli and Lori Loughlin, Elisabeth Kimmel, William McGlashan, Marci Palatella, John Wilson, Homayoun Zadeh, Robert Zangrillo, I-Hsen "Joey" Chen, and Amy and Gregory Colburn ("Defendants") hereby move this Honorable Court, pursuant to Fed. R. Crim. P. 12(b)(3)(B)(v), to dismiss for failure to state an offense: (1) Count One of the Fourth Superseding Indictment, ECF No. 732, insofar as it alleges Conspiracy to Commit Honest Services Fraud Against the University of Southern California and Georgetown University; and (2) Count Two of the Fourth Superseding Indictment, alleging Conspiracy To Commit Federal Programs Bribery.¹

¹ Defendants I-Hsen "Joey" Chen and Amy and Gregory Colburn join as to Count One only, as they are not charged in Count Two.

As grounds therefor, the Defendants respectfully submit that, for the reasons set forth in the accompanying memorandum of law, the Fourth Superseding Indictment fails as a matter of law to allege the type of corrupt quid pro quo bribe necessary to support a conviction for either of these offenses.

WHEREFORE, for the reasons stated in this motion and in the accompanying memorandum of law, the Defendants respectfully request that this Court dismiss pursuant to Fed. R. Crim. P. 12(b)(3)(B)(v) for failure to state an offense: (1) Count One insofar as it alleges conspiracy to commit honest services fraud against the University of Southern California and Georgetown University; and (2) the entirety of Count Two alleging conspiracy to commit federal programs bribery.

Respectfully submitted,

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Counsel for Homayoun Zadeh

Dated: April 1, 2020

LOCAL RULE 7.1(a)(2) CERTIFICATION

Undersigned counsel certifies that, on March 31, 2020, he conferred with counsel for the government in an attempt to resolve or narrow the issues raised in this Motion. The government opposes this Motion.

/s/ David E. Meier
David E. Meier

CERTIFICATE OF SERVICE

I, David E. Meier, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 1, 2020.

/s/ David E. Meier

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